

A child's placement may be changed for 45 days by the school district, to an appropriate interim alternative educational setting, if the child possessed a dangerous weapon at school or a school function or knowingly possessed or used illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function. On the date on which the decision to take that action is made, the parent must be notified of the decision and provided the Procedural Safeguards statement.

#### Behavioral Assessment

On or before the end of the tenth business day of a disciplinary action which for the first time that school year exceeds 10 days cumulatively, if the school district did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in the discipline action, the school district must convene an IEP meeting to develop an assessment plan to address that behavior. If the child already has a behavioral intervention plan, the IEP team shall review the plan and modify it, as necessary, to address the behavior involved in the disciplinary action. If the child does not already have such a plan, the IEP team shall develop one. Any subsequent removals, which do not constitute a disciplinary change of placement, require that the IEP team review the behavior intervention plan and its implementation to determine if modifications are necessary. If one or more of the IEP team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

#### [Access to Services] **Determination of Setting (CFR 300.522)**

[Any interim alternative educational setting determination involving a long-term suspension or disciplinary change of placement shall be made by the IEP team, must be selected to enable the child to continue to progress in the general curriculum and to continue to receive services required in the current IEP that will enable the child to meet the goals set out in that IEP, and must include services and modifications designed to address the behavior involved in the disciplinary action so that it does not recur. Services for short-term suspensions which exceed ten (10) days cumulatively are only required if the school determines this necessary for the child to appropriately progress.] **The interim alternative educational setting must be determined by the IEP team. Any interim alternative educational setting in which a child is placed must be selected so as to enable the child to continue to progress in the general education curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in the IEP and include services and modifications to address the behavior described in 300.520(a)(2) (weapons or drugs) or 300.521 (injury to child or to others) that are designed to prevent the behavior from reoccurring.**

#### Manifestation Determination